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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,837	10/24/2003	James A. Gavney JR.	JAG-00113	9227
28960	7590	08/09/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 08/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/692,837

Applicant(s)

GAVNEY, JR.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 5,8-19 and 22-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,20,21 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 12-14, 16, 17 and 19 are all being withdrawn from consideration since claim 12, lines 7-8 recites “the second region comprising a portion of **the bristles**” (emphasis added) not readable on the elected species Figs. 1B and 5A since the **second** region 135 would not comprise the bristles 141 of the first region 131 and as recited in the specification at p. 7, line 12 to p. 8, line 2.

### *Claim Objections*

2. Claims 6, 26, 28 and 31 are objected to because of the following informalities:

Claim 6, it is unclear what the distinction is between “a squeegee wall” of the first squeegee element and the “elongated walls” of the first squeegee element recited back in claim 1. The scope of claim 6 is unclear and confusing.

Claim 26, line 5, delete “and”.

Claim 26, line 6, after “configured”, insert –to--.

Claim 28, line 4, after “surface”, insert --,--.

Claim 28, line 6, “configured”, insert –to--.

Claim 31, line 5, it appears “bristle” should read –bristles--.

Claim 31, line 6, “at least a portion first” should be corrected.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Shipp '951.

As for claim 1, Shipp '951 teaches in Figs. 1 and 2 a device 10 comprising a cleaning head 14, the cleaning head comprising a first region with a first squeegee element defined by prophy cup 18 with elongated walls that protrude to form an elongated wiping edge (merely the top which can be seen in side view in Fig. 2) configured to treat a working surface, the first region being configured to move, and a second region with bristles 28 configured to simultaneously treat the working surface, the second region being configured to move independently of the first region. Clearly, the second region is still "configured to move independently" of the first region, especially with the proper hand manipulation by a user, and even absent any motorized arrangement.

As for claim 4, the at least one of the first region and second region is configured to rotate or oscillate by a user's own manipulation of the device.

As for claim 31, Shipp '951 teaches a toothbrush 10 with a cleaning head 14, the head comprising a first region with a continuous squeegee element defined by prophy cup 18 that encircles a portion of the first region, wherein the first region is configured to

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rotate or oscillate by a user's own manipulation of the device, and bristles 28 surrounding at least a portion of the first continuous squeegee element 18, wherein the bristles are configured to rotate or oscillate by a user's own manipulation of the device. As for the claim reciting an "electric" toothbrush in the preamble, no particular structure has been recited in the claim to attribute any patentable weight to such a recitation.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-4, 6, 7 and 26-32 are rejected under 35 U.S.C. 102(a) as being anticipated by Great Britain 2 371 217 (hereinafter GB '217).

As for claim 1, GB '217 teaches in Figs. 3 and 4 a device comprising a cleaning head 13, the cleaning head comprising a "first region" with a first squeegee element 23 with elongated walls that protrude to form an elongated wiping edge configured to treat a working surface, the first region being configured to move, and a "second region" with bristles 19 configured to simultaneously treat the working surface, the second region being configured to move independently of the first region. Clearly, the second region is still "configured to move independently" of the first region, especially with the proper hand manipulation by a user, and even **absent** any motorized arrangement. Note, that a "first region" and "second region" can merely be at **opposite/different locations** on head 13. Claim 1 never requires there to be any structural distinction for the recited "first region" and "second region" nor does claim 1 ever require any type of motor or motorized driving arrangement to cause the independent movement.

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As for claim 2, the second region further comprises a second squeegee element 23 at an **opposite/different location** on head 13.

As for claim 3, the first region further comprises bristles 19.

As for claim 4, the at least one of the first region and second region is configured to rotate or oscillate (p. 1, lines 5-9).

As well as claim 6 is understood (please see objection above), the first squeegee element 23 comprises a "squeegee wall" 23 that would at least partially encircle an "inner (merely a relative term) squeegee region."

As for claim 7, the second region comprises a second squeegee element 23.

As for claim 26, GB '217 teaches a device (Figs. 3 and 4) comprising a cleaning head 13, the cleaning head comprising a first region with a first squeegee element 23 with an elongated wiping edge and elongated walls and bristles 19 configured to treat a working surface, a second region with bristles 19 configured to simultaneously treat the working surface, and means 18 (Fig. 2) to couple the cleaning head to a motorized handle (not positively recited) that automatically moves the first region. Note, that a "first region" and "second region" can merely be at **opposite/different locations** on head 13. Claim 26 never requires there to be any structural distinction for the recited "first region" and "second region."

As for claim 27, the second region further comprises a second squeegee element 23.

As for claim 28, GB '217 discloses a device comprising a cleaning head 13, the cleaning head comprising a first region with a first squeegee element 23 comprising a

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continuous wiping edge configured to treat a working surface, the first region being configured to move, and a second region with a second squeegee element 23 configured simultaneously treat the working surface, wherein at least one of the first region and the second region is being configured to move independently of the other of the first region and the second region. Clearly, the first and second regions are “configured to move independently” of each other, especially with the proper hand manipulation by a user, and even **absent** any motorized arrangement. Note, that a “first region” and “second region” can merely be at **opposite/different locations** on head 13. Claim 28 never requires there to be any structural distinction for the recited “first region” and “second region” nor does claim 28 ever require any type of motor or motorized driving arrangement to cause the independent movement.

As for claim 29, the first region further comprises bristles 19.

As for claim 30, the second region further comprises bristles 19.

As for claim 31, GB ‘217 teaches an electric toothbrush with a cleaning head 13 (Figs. 3 and 4), the cleaning head comprising a first region with a continuous squeegee element 23 that at least partially encircles a portion of the first region, wherein the first region is configured to rotate or oscillate (p. 1, lines 5-9) and bristles 19 surrounding at least a portion of the first continuous squeegee element 23, wherein the bristles are configured to rotate or oscillate.

As for claim 32, there are also bristles 19 (i.e., bristles within a concave portion of a squeegee element 23 as shown in Fig. 4, for example) protruding from the portion of the first region that is encircled by the continuous squeegee element 23.

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claim 20 is rejected under 35 U.S.C. 102(a) as being anticipated by Cohen 6,349,442 (hereinafter Cohen '442).

Cohen '442 teaches a cleaning device (Figs. 3, 4A, 4B) comprising a first section 22 configured to automatically rotate or oscillate, and a second section 24 surrounding the first section configured to automatically "rotate or oscillate at a rate or direction that is different from that of the first section" (col. 1, lines 40-45 and col. 2, lines 44-64), wherein the first and the second sections comprise bristles (Fig. 4B). To the extent what the limitation oscillating in a differing direction would mean, Cohen '442 still meets the quoted recitation above.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen '442 in view of GB '217. Cohen '442 teaches all of the recited subject matter with the exception of the device further comprising one or more squeegee wiping elements. GB '217 discloses a cleaning device wherein a head 13 comprises a combination of bristles 19 and one or more squeegee elements 23. It would have been obvious to one of ordinary skill in the art to have provided Cohen's device with one or more squeegee wiping elements as taught by GB '217 in order to enhance the cleaning of teeth by adding a massaging effect to the gums and teeth.

8. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Tsang 6,032,313 (hereinafter Tsang '313).



Tsang '313 teaches a device in Fig. 7 comprising a cleaning head comprising a first wiping region 46 and a second wiping region 45, wherein the first wiping region 46 surrounds the second wiping region 45 and the first wiping region and the second wiping section are deemed and configured to automatically move independently from each other, wherein at least one of the first wiping region 46 and the second wiping region 45 comprises a "squeegee" element.

***Allowable Subject Matter***

9. Claim 33 is allowed.

***Conclusion***

10. Applicant's arguments with respect to claims 1-4, 6, 7, 20, 21 and 25-33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Eliav, Hohlbein, Biro, and Gatzemeyer are relevant to devices with movable bristle sections.

12. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

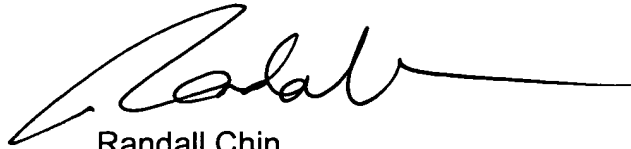
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744